

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF GRADY
L. GAMBLE IN THE AMOUNT OF \$2,134.00
AGAINST THE CITY OF ATLANTA**

02-R-2159

WHEREAS, GRADY L. GAMBLE has filed a claim against the City of Atlanta seeking damages arising out of a sewer backup located at 1587 Van Epps Street, SE; and

WHEREAS, property owned by GRADY L. GAMBLE has been substantially damaged as a result of the City's failure to properly secure the work site of an excavation project of a sanitary sewer mainline; and

WHEREAS, the City of Atlanta has made an attempt, however unsuccessful, to abate said nuisance; and

WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$2,134.00 and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of GRADY L. GAMBLE, be settled for the sum of \$2,134.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$2,134.00 be paid by the City of Atlanta to GRADY L. GAMBLE, in satisfaction of any and all claims he may have stemming from damages sustained to his property on or before May 4, 2002, at 1587 Van Epps Street, SE, and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.